



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,664	04/30/2002	Marcello Poggiolini	ADAMS-40619	8060

7590 01/24/2005

Scott W Kelley
Kelly Bauersfeld Lowry & Kelley
Suite 1650
6320 Canoga Avenue
Woodland Hills, CA 91367

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,664

Applicant(s)

POGGIOLINI, MARCELLO

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle, British Patent 912,704 in view of Stottum, U. S. Patent Stottum.

With respect to claims 1, 9, 11, 12, 13, 14, and 15, Sielle teaches frame for framing an article, the device including an outer frame component (20), an outer panel (24) including a rear side and a viewer side, the outer panel (24) being mounted within the outer frame component, an inner frame (29) component which includes an outer abutment surface which overlaps a peripheral region of the viewer side of the outer panel thereby to conceal a peripheral edge of the aperture; an inner panel (31) which is located within the inner frame component, the inner frame component including an inner abutment surface which overlaps a peripheral region of the inner panel in an abutting fashion and the article (32) being mounted in use within the inner frame component, and transparent sheet material (22) mounted to the outer frame component and covering the article. (See figure 2)

Sielle does not specifically indicate whether the outer panel 24 has an aperture. In addition, Sielle does not teach the inner frame with an inner and outer abutment surface.

Stottum teaches a picture frame comprising an outer frame 2, an outer panel 18 having a central aperture, an inner frame 1, a picture 8, and a backing 9. (See figures 1 and 2). The inner frame 1 has an inner abutment surface 6 adapted to overlap the picture/mirror 8 and an outer abutment surface 7 adapted to overlap the inner peripheral edge of the outer panel 18.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle with the outer panel and inner frame as taught by Stottum to provide a decorative inner panel and inner frame to enhance the aesthetic appearance of the picture frame.

With respect to claim 3, the inner and outer abutment surfaces 6 and 8 are coplanar.

With respect to claims 5-7, Stottum teaches inner frame 1 having a concealed portion 5 and an exposed portion 6 and 7. The inner frame is generally T-shaped having a vertical component 5 and a horizontal component 6. See lines 80-88.

With respect to claim 8, although Sielle or Stottum does not teach the dimension the exposed portion of the inner frame, It would have been obvious to construct the inner frame of a suitable dimension so the it would fit beneath the transparent panel 22 taught by Sielle.

Art Unit: 3611

3. Claims 1, 4, 5, 8, 9, 11, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle, British Patent 912,704 in view of Stottum, U. S. Patent Stottum.

With respect to claims 1, 9, 11, 12, 13, and 15, Sielle teaches frame for framing an article, the device including an outer frame component (20), an outer panel (24) including a rear side and a viewer side, the outer panel (24) being mounted within the outer frame component, an inner frame (29) component which includes an outer abutment surface which overlaps a peripheral region of the viewer side of the outer panel thereby to conceal a peripheral edge of the aperture; an inner panel (31) which is located within the inner frame component, the inner frame component including an inner abutment surface which overlaps a peripheral region of the inner panel in an abutting fashion and the article (32) being mounted in use within the inner frame component, and transparent sheet material (22) mounted to the outer frame component and covering the article. (See figure 2)

Sielle does not specifically indicate whether the outer panel 24 has an aperture. In addition, Sielle does not teach the inner frame with an inner and outer abutment surface.

Widigs teaches a picture frame comprising an outer frame 2, an outer panel 3 having a central aperture, an inner frame 1. The inner frame 1 has an inner abutment surface adapted to overlap the picture mounted therein and an outer abutment surface adapted to overlap the inner peripheral edge of the outer panel 3.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle with the outer panel and inner frame as taught by Widigs to provide a decorative inner panel and inner frame to enhance the aesthetic appearance of the picture frame.

With respect to claim 4, the inner abutment surface is spaced from outer abutment surfaces.

With respect to claims 5, Widigs teaches inner frame 1 having a concealed portion and an exposed portion. The inner frame is generally L shaped having a vertical component and a horizontal component.

With respect to claim 8, although Sielle or Widigs does not teach the dimension the exposed portion of the inner frame, It would have been obvious to construct the inner frame of a suitable dimension so the it would fit beneath the transparent panel 22 taught by Sielle.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Widigs as applied to claim15 above, and further in view of Carraine, U. S. Patent 589,695. Carraine teaches a picture frame *d* comprising a mat E having an opening e, a glass D, and a picture F. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle and Widigs with a mat inner panel as taught by Carraine to enhance the aesthetic appearance of the displayed picture.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Stottum as applied to claim15 above, and further in view of Carraine, U. S.

Art Unit: 3611

Patent 589,695. Carraine teaches a picture frame *d* comprising a mat E having an opening *e*, a glass D, and a picture F. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture frame taught by Sielle and Stottum with a mat inner panel as taught by Carraine to enhance the aesthetic appearance of the displayed picture.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Widigs as applied to claim 15 above, and further in view of Cornfield, U. S.

Patent 3,218,747. Cornfield teaches a picture frame with staples 11 to retain the picture within the rear rebate of the picture frame. It would have been obvious to one having ordinary skill in the art at the time this invention was to construct the picture frame taught by Sielle and Widigs with the staple taught by Cornfield to provide a means to retain the picture.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sielle in view of Stottum as applied to claim 15 above, and further in view of Cornfield, U. S.

Patent 3,218,747. Cornfield teaches a picture frame with staples 11 to retain the picture within the rear rebate of the picture frame. It would have been obvious to one having ordinary skill in the art at the time this invention was to construct the picture frame taught by Sielle and Widigs with the staple taught by Cornfield to provide a means to retain the picture.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
January 22, 2005